

HOUSE JOURNAL

SEVENTY-NINTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SEVENTY-THIRD DAY — FRIDAY, MAY 20, 2005

The house met at 12:45 p.m. and was called to order by the speaker pro tempore.

The roll of the house was called and a quorum was announced present (Record 727).

Present — Mr. Speaker; Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Absent, Excused — Hamilton; Hodge; Luna; Noriega, M.; Smithee.

Absent, Excused, Committee Meeting — Kolkhorst; Pitts.

LEAVES OF ABSENCE GRANTED

The following member was granted leave of absence for today because of important business:

Smithee on motion of Chisum.

On motion of Representative Reyna and by unanimous consent, all members who were granted leaves of absence on the previous legislative day were granted leaves for this legislative day.

RULES SUSPENDED

Representative Reyna moved to suspend all necessary rules in order to take up and consider at this time, on third reading and final passage, the bills on the local, consent, and resolutions calendar which were considered on the previous legislative day.

The motion prevailed.

MOTION FOR ONE RECORD VOTE

On motion of Representative Reyna and by unanimous consent, the house agreed to use the first record vote taken for all those bills on the local, consent, and resolutions calendar that require a record vote on third reading and final passage, with the understanding that a member may record an individual vote on any bill with the journal clerk.

LOCAL, CONSENT, AND RESOLUTIONS CALENDAR THIRD READING

The following bills which were considered on second reading on the previous legislative day on the local, consent, and resolutions calendar were laid before the house, read third time, and passed by the following record vote (members registering votes and the results of the vote are shown following bill number).

(Record 728): 139 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Morrison; Mowery; Naishtat; Nixon; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker; Turner(C).

Absent, Excused — Hamilton; Hodge; Luna; Noriega, M.; Smithee.

Absent, Excused, Committee Meeting — Kolkhorst; Pitts.

Absent — Moreno, P.

SB 1017

SB 1847

SB 1848

HB 3482

HB 3488

SB 1810

SB 1813

SB 1799

HB 3498

SB 1803

SB 1801

HB 3502

SB 1808

SB 1800

SB 1802

SB 1804

SB 1806

SB 1828

HB 3530

SB 1836

HB 3539

HB 3554

HB 3556

SB 1805

SB 1855

SB 1851

HB 3566

HB 3568

HB 3574

HB 3576

HB 3589

SB 143

SB 144

SB 200 (Harper-Brown and Phillips - no) (137 - 2 - 2)

SB 212

SB 261

SB 264

SB 276

SB 293

SB 318

SB 399

SB 433 (Gattis and Keel - no) (137 - 2 - 2)

SB 468

SB 500

SB 569

SB 668

SB 690

SB 792

SB 804

SB 833 (Gattis, Harper-Brown, Keel, and Phillips - no) (135 - 4 - 2)

SB 839

SB 863

SB 1026

SB 1193

SB 1205

SB 1214

SB 1434

SB 1485

SB 1518

SB 1555

SB 1713

SB 1792

SB 781

The following bills which were considered on second reading on the previous legislative day on the local, consent, and resolutions calendar were laid before the house, read third time, and passed by a voice vote (members registering votes are shown following bill number):

HB 925

HB 2445

HB 2815
SB 1865
SB 1884
SB 1864
HB 3531
HB 3534
HB 3535
HB 3546
HB 3548
HB 3549
HB 3557
HB 3569
SB 1882
HB 3578
HB 3579
HB 3580
HB 3582
HB 3583
HB 3584
SB 1887
SB 50
SB 53
SB 114
SB 150
SB 171
SB 241
SB 255
SB 347
SB 381
SB 382
SB 436
SB 439
SB 443
SB 480

SB 555 (Harper-Brown - no)

SB 619

SB 665

SB 672

SB 678

SB 828

SB 883

SB 884

SB 885

SB 886

SB 887

SB 889

SB 891

SB 1018

SB 1032

SB 1258

SB 1424 (Harper-Brown - no)

SB 1425

SB 1435

SB 1437

SB 1480

SB 1587

SB 1786

MOTION TO CONFORM CAPTIONS

Representative Reyna moved to conform the captions of the senate bills taken up in lieu of the house bills' captions.

The motion prevailed.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, Senate List No. 25).

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business in the district:

Pickett on motion of Solomons.

POSTPONED BUSINESS

The following bills were laid before the house as postponed business:

HCR 69
(by Chavez)

HCR 69, Requesting the U.S. Congress to enact the Agricultural Job Opportunity, Benefits, and Security Act to significantly reform immigration law as it relates to agriculture.

HCR 69 was read a second time on April 18, postponed until April 25, postponed until May 10, and was again postponed until 10 a.m. today.

Representative Chavez moved to postpone consideration of **HCR 69** until 10 a.m. June 30.

The motion prevailed.

GENERAL STATE CALENDAR
SENATE BILLS
THIRD READING

The following bills were laid before the house and read third time:

SB 579 ON THIRD READING
(Corte - House Sponsor)

SB 579, A bill to be entitled An Act relating to the eligibility of children of certain military personnel to receive Texas B-On-time loans.

A record vote was requested.

SB 579 was passed by (Record 729): 138 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Phillips; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker; Turner(C).

Absent, Excused — Hamilton; Hodge; Luna; Noriega, M.; Pickett; Smithee.

Absent, Excused, Committee Meeting — Kolkhorst; Pitts.

Absent — Madden.

SB 427 ON THIRD READING
(Vo and Denny - House Sponsors)

SB 427, A bill to be entitled An Act relating to providing notification to a county voter registrar of the change in boundaries of a political subdivision located in the county.

Amendment No. 1

Representative Vo offered the following amendment to **SB 427**:

Amend **SB 427** on third reading by striking Article 2 of the bill, as added by the Hardcastle amendment, and renumbering the remaining articles as appropriate.

Amendment No. 1 was adopted.

SB 427, as amended, was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

SB 91 ON THIRD READING
(Riddle - House Sponsor)

SB 91, A bill to be entitled An Act relating to the punishment imposed on certain defendants charged with the offense of assault.

Amendment No. 1

Representative Riddle offered the following amendment to **SB 91**:

Amend **SB 91** on third reading by adding the following appropriately numbered SECTIONS to the bill and renumbering existing SECTIONS of the bill accordingly:

SECTION __. Article 14.03(a), Code of Criminal Procedure, as amended by Section 2, Chapter 460, Section 2, Chapter 836, Section 1, Chapter 989, and Section 2, Chapter 1164, Acts of the 78th Legislature, Regular Session, 2003, is reenacted and amended to read as follows:

(a) Any peace officer may arrest, without warrant:

(1) persons found in suspicious places and under circumstances which reasonably show that such persons have been guilty of some felony, violation of Title 9, Chapter 42, Penal Code, breach of the peace, or offense under Section 49.02, Penal Code, or threaten, or are about to commit some offense against the laws;

(2) persons who the peace officer has probable cause to believe have committed an assault resulting in bodily injury to another person and the peace officer has probable cause to believe that there is danger of further bodily injury to that person;

(3) persons who the peace officer has probable cause to believe have committed an offense defined by Section 25.07, Penal Code (violation of Protective Order), or by Section 38.112, Penal Code (violation of Protective Order issued on basis of sexual assault), if the offense is not committed in the presence of the peace officer; ~~or~~

(4) persons who the peace officer has probable cause to believe have committed an offense involving family violence; ~~[assault resulting in bodily injury to a member of the person's family or household; or]~~

(5) persons who the peace officer has probable cause to believe have prevented or interfered with an individual's ability to place a telephone call in an emergency, as defined by Section 42.062(d), Penal Code, if the offense is not committed in the presence of the peace officer; or [-]

(6) ~~[5]~~ a person who makes a statement to the peace officer that would be admissible against the person under Article 38.21 and establishes probable cause to believe that the person has committed a felony.

SECTION __. Articles 14.03(c) and (f), Code of Criminal Procedure, are amended to read as follows:

(c) If reasonably necessary to verify an allegation of a violation of a protective order or of the commission of an offense involving family violence ~~[assault against a member of the family or household]~~, a peace officer shall remain at the scene of the investigation to verify the allegation and to prevent the further commission of the violation or of family violence.

(f) In this article, "family violence" has ~~["family," "household," and "member of a household" have]~~ the meaning ~~[meanings]~~ assigned ~~[to those terms]~~ by Section 71.004 ~~[Chapter 71]~~, Family Code.

Amendment No. 1 was adopted.

SB 91, as amended, was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

SB 945 ON THIRD READING (Morrison - House Sponsor)

SB 945, A bill to be entitled An Act relating to the filing of a disclosure statement by a vendor or member of a governing body of a port authority or navigation district; imposing a penalty.

Amendment No. 1

Representative Morrison offered the following amendment to **SB 945**:

Amend **SB 945** as follows:

1. On page 1, line 24 amend SECTION 1, Subchapter P, Sec. 60.483(a)(2) of the bill by inserting "negotiations of" between the words "with" and "a".

2. On page 2, line 9 amend SECTION 1, Subchapter P, Sec. 60.483(c)(1) of the bill by deleting "discussions or" between the words "contract" and "negotiations".

3. On page 4, line 7 amend SECTION 1, Subchapter P, Sec. 60.484(c)(2) of the bill by deleting "considering conducting business" between the words "is" and "with" and substitute "negotiating a contract".

4. On page 4, line 19 amend SECTION 1, Subchapter P, Sec. 60.484(e) of the bill by deleting "has" between the words "body" and "violated" and substitute "knowingly".

Amendment No. 1 was adopted.

SB 945, as amended, was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

SB 898 ON THIRD READING **(Hill - House Sponsor)**

SB 898, A bill to be entitled An Act relating to tax liability for property omitted from an appraisal roll.

Amendment No. 1

Representative Truitt offered the following amendment to **SB 898**:

Amend **SB 898** on third reading by inserting the following appropriately numbered section and renumbering the subsequent sections of the bill accordingly:

SECTION __. Section 31.01(a), Tax Code, is amended to read as follows:

(a) Except as provided by Subsection (f), the assessor for each taxing unit shall prepare and mail a tax bill to each person in whose name the property is listed on the tax roll and ~~or~~ to the person's authorized agent. The assessor shall mail tax bills by October 1 or as soon thereafter as practicable. The assessor shall mail to the state agency or institution the tax bill for any taxable property owned by the agency or institution. The agency or institution shall pay the taxes from funds appropriated for payment of the taxes or, if there are none, from funds appropriated for the administration of the agency or institution. The exterior of the tax bill must show the return address of the taxing unit and must contain, in all capital letters, the words "RETURN SERVICE REQUESTED," or another appropriate statement directing the United States Postal Service to return the tax bill if it is not deliverable as addressed.

Amendment No. 1 was adopted.

SB 898, as amended, was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

(Speaker in the chair)

SB 1131 ON THIRD READING
(Seaman - House Sponsor)

SB 1131, A bill to be entitled An Act relating to the conveyance of a ferry by the Texas Department of Transportation to certain counties and local government corporations.

A record vote was requested.

SB 1131 was passed by (Record 730): 136 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Krusee; Laney; Laubenberg; Leibowitz; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Morrison; Mowery; Nixon; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Phillips; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hamilton; Hodge; Luna; Noriega, M.; Pickett; Smithee.

Absent, Excused, Committee Meeting — Kolkhorst; Pitts.

Absent — Chavez; Kuempel; Moreno, P.; Naishtat.

STATEMENT OF VOTE

When Record No. 730 was taken, my vote failed to register. I would have voted yes.

Naishtat

COMMITTEE GRANTED PERMISSION TO MEET

Representative Delisi requested permission for the Committee on Public Health to meet while the house is in session at 1:30 p.m. today, in 3W.9, for a formal meeting, to consider **SB 1581**.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Public Health, 1:30 p.m. today, 3W.9, for a formal meeting, to consider **SB 1581**.

Calendars, 3 p.m. today, 3W.9, for a formal meeting, to set the calendar.

SB 224 ON THIRD READING
(Wong - House Sponsor)

SB 224, A bill to be entitled An Act relating to the eminent domain power of certain municipal management districts.

A record vote was requested.

SB 224 was passed by (Record 731): 138 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Tourelles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keffer, B.; Keffer, J.; King, P.; King, T.; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Morrison; Mowery; Naishtat; Nixon; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Phillips; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Nays — Keel.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hamilton; Hodge; Luna; Noriega, M.; Pickett; Smithee.

Absent, Excused, Committee Meeting — Kolkhorst; Pitts.

Absent — Moreno, P.

STATEMENT OF VOTE

I was shown voting no on Record No. 731. I intended to vote yes.

Keel

SB 554 ON THIRD READING
(Gattis - House Sponsor)

SB 554, A bill to be entitled An Act relating to the liability of an ERISA-regulated employee benefit plan under certain state law.

A record vote was requested.

SB 554 was passed by (Record 732): 137 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Tourelles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Morrison; Mowery; Naishtat; Nixon; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Phillips; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hamilton; Hodge; Luna; Noriega, M.; Pickett; Smithee.

Absent, Excused, Committee Meeting — Kolkhorst; Pitts.

Absent — Flores; Isett; Moreno, P.

SB 611 ON THIRD READING
(P. King - House Sponsor)

SB 611, A bill to be entitled An Act relating to the electronic creation, transmission, and use of certain documents related to the prosecution of a criminal offense.

A record vote was requested.

SB 611 was passed by (Record 733): 135 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Tourelles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Mowery; Naishtat; Nixon;

Oliveira; Olivo; Orr; Otto; Paxton; Peña; Phillips; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hamilton; Hodge; Luna; Noriega, M.; Pickett; Smithee.

Absent, Excused, Committee Meeting — Kolkhorst; Pitts.

Absent — Davis, Y.; Dawson; Edwards; Moreno, P.; Morrison.

SB 709 ON THIRD READING
(Guillen - House Sponsor)

SB 709, A bill to be entitled An Act relating to the amount of a late charge or reinstatement fee under a rental-purchase agreement.

A record vote was requested.

SB 709 was passed by (Record 734): 126 Yeas, 10 Nays, 1 Present, not voting.

Yeas — Allen, R.; Alonzo; Anchia; Anderson; Bailey; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Hochberg; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Krusee; Laney; Madden; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Morrison; Mowery; Naishtat; Nixon; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Phillips; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Baxter; Callegari; Farrar; Herrero; Jones, D.; Laubenberg; Leibowitz; Martinez; Miller.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hamilton; Hodge; Luna; Noriega, M.; Pickett; Smithee.

Absent, Excused, Committee Meeting — Kolkhorst; Pitts.

Absent — Dutton; Flores; Kuempel; Moreno, P.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 734. I intended to vote no.

Dawson

I was shown voting yes on Record No. 734. I intended to vote no.

Hilderbran

When Record No. 734 was taken, my vote failed to register. I would have voted yes.

Kuempel

SB 812 ON THIRD READING
(Farabee - House Sponsor)

SB 812, A bill to be entitled An Act relating to the powers of a community center.

SB 812 was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

SB 1052 ON THIRD READING
(Talton - House Sponsor)

SB 1052, A bill to be entitled An Act relating to the disclosure of certain information from an early voting roster; providing a penalty.

SB 1052 was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

SB 1421 ON THIRD READING
(Bailey - House Sponsor)

SB 1421, A bill to be entitled An Act relating to eligibility for beginning positions in certain police and fire departments.

A record vote was requested.

SB 1421 was passed by (Record 735): 137 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Morrison; Mowery; Naishtat; Nixon; Oliveira; Olivo; Orr; Otto; Paxton; Peña;

Phillips; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hamilton; Hodge; Luna; Noriega, M.; Pickett; Smithee.

Absent, Excused, Committee Meeting — Kolkhorst; Pitts.

Absent — Dawson; Dutton; Moreno, P.

SB 1469 ON THIRD READING
(Keel - House Sponsor)

SB 1469, A bill to be entitled An Act relating to reporting the deaths of certain individuals.

A record vote was requested.

SB 1469 was passed by (Record 736): 134 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Homer; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Morrison; Mowery; Naishtat; Nixon; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Phillips; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Vo; West; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hamilton; Hodge; Luna; Noriega, M.; Pickett; Smithee.

Absent, Excused, Committee Meeting — Kolkhorst; Pitts.

Absent — Anderson; Chavez; Haggerty; Hope; Moreno, P.; Villarreal.

STATEMENT OF VOTE

When Record No. 736 was taken, I was in the house but away from my desk. I would have voted yes.

Anderson

SB 1203 ON THIRD READING
(Homer - House Sponsor)

SB 1203, A bill to be entitled An Act relating to the payment of certain ad valorem tax refunds.

SB 1203 was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

GENERAL STATE CALENDAR
SENATE BILLS
SECOND READING

The following bills were laid before the house and read second time:

CSSB 45 ON SECOND READING
(Delisi - House Sponsor)

CSSB 45, A bill to be entitled An Act relating to the establishment of an advisory committee on health care information technology.

Representative Truitt moved to postpone consideration of **CSSB 45** until the end of today's calendar.

The motion prevailed.

SB 982 ON SECOND READING
(Puente - House Sponsor)

SB 982, A bill to be entitled An Act relating to certain practices to improve energy conservation in state buildings.

Amendment No. 1

Representative Puente offered the following amendment to **SB 982**:

Amend **SB 982** (House Committee Printing) as follows:

(1) Strike the recital to Section 1 of the bill (page 1, lines 5 and 6) and substitute the following:

Section 447.004, Government Code, is amended by amending Subsection (e) and adding Subsection (f) to read as follows:

(2) In Section 1 of the bill, in amended Subsection (e), Section 447.004, Government Code (page 1, line 7), strike "or an institution of higher education" and substitute "~~[or an institution of higher education]~~".

(3) In Section 1 of the bill, immediately following amended Subsection (e), Section 447.004, Government Code (page 2, between lines 2 and 3), insert the following:

(f) An institution of higher education may not begin construction of a new state building or a major renovation project before the design architect or engineer for the construction or renovation has:

(1) certified to the institution of higher education that the construction or renovation complies with the standards established under this section; and

(2) provided to the state energy conservation office a copy of that certification.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Puente offered the following amendment to **SB 982**:

Amend **SB 982** (House Committee Printing) as follows:

(1) In the recital to Section 4 of the bill (page 3, lines 11 and 12), strike "Subsections (b-1) and (b-2)" and substitute "Subsections (b-1), (b-2), (c-1), and (c-2)".

(2) In Section 4 of the bill, in amended Subsection (b), Section 2166.403, Government Code (page 3, line 13), strike "During" and substitute "Except as provided by Subsection (c-1), during [~~During~~]".

(3) In Section 4 of the bill, in amended Subsection (b), Section 2166.403, Government Code (page 3, lines 14 and 15), strike "or institution" and substitute "~~[or institution]~~".

(4) In Section 4 of the bill, immediately following amended Subsection (c), Section 2166.403, Government Code (page 4, between lines 21 and 22), insert the following:

(c-1) For a project constructed by and for a state institution of higher education, the governing body of the institution shall, during the planning phase of the proposed construction for the project, verify in an open meeting the economic feasibility of incorporating into the building's design and proposed energy system alternative energy devices for space heating and cooling functions, water heating functions, electrical load functions, and interior lighting functions. The governing body of the institution shall determine the economic feasibility of each function listed in this subsection by comparing the estimated cost of providing energy for the function, based on the use of conventional design practices and energy systems, with the estimated cost of providing energy for the function, based on the use of alternative energy devices, during the economic life of the building.

(c-2) If the use of alternative energy devices for a specific function is determined to be economically feasible under Subsection (c-1), the governing body shall include the use of alternative energy devices for that function in the construction plans for the project.

Amendment No. 2 was adopted.

(Phillips in the chair)

Amendment No. 3

Representative Leibowitz offered the following amendment to **SB 982**:

Amend **SB 982** (House committee printing) by adding the following appropriately numbered Sections to the bill and renumbering subsequent Sections as appropriate:

SECTION __. Subchapter B, Chapter 2165, Government Code, is amended by adding Section 2165.058 to read as follows:

Sec. 2165.058. VENDING MACHINES; ENERGY-SAVING DEVICE REQUIRED. (a) The commission shall require the use of an energy-saving device for each vending machine located in a building owned or leased by the state except a vending machine that contains a perishable food product, as defined by Section 96.001, Civil Practice and Remedies Code.

(b) Notwithstanding Subsection (a), the commission may not require the acquisition or installation of an energy-saving device for a vending machine that is owned or operated by an entity that owns or operates a total of 20 or fewer vending machines. However, the commission shall require the entity to activate and maintain any internal energy-saving or energy-management device or option that is already part of the machine or contained in the machine.

(c) An entity that owns or operates a vending machine subject to this section is responsible for any expenses associated with the acquisition, installation, or maintenance of an energy-saving device required by this section.

(d) The commission may impose an administrative fine on an entity that operates a vending machine subject to this section in an amount not to exceed \$250 a year for each machine found to be in violation of this section or related rules adopted by the commission.

(e) The commission shall adopt rules relating to the specifications for and regulation of energy-saving devices required by this section.

SECTION __. (a) An entity that owns or operates a vending machine subject to Section 2165.058, Government Code, as added by this Act, is not required to comply with that section or a related rule of the Texas Building and Procurement Commission until September 1, 2006.

(b) Notwithstanding Section 2165.058(d), Government Code, as added by this Act, the Texas Building and Procurement Commission may impose a fine only in relation to a vending machine that is found to be operating in violation of Section 2165.058, Government Code, as added by this Act, or a related rule of the commission, on or after September 1, 2006.

Amendment No. 3 was adopted.

SB 982, as amended, was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

SB 565 ON SECOND READING (Driver - House Sponsor)

SB 565, A bill to be entitled An Act relating to the posting of a list of employees in certain child-care facilities and family homes.

(Speaker in the chair)

SB 565 was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Harper-Brown recorded voting no.)

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 2).

CSSB 1626 ON SECOND READING (Kuempel - House Sponsor)

CSSB 1626, A bill to be entitled An Act relating to local option elections to legalize or prohibit the sale of alcoholic beverages.

A record vote was requested.

CSSB 1626 was passed to third reading by (Record 737): 82 Yeas, 49 Nays, 1 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Baxter; Blake; Branch; Burnam; Campbell; Casteel; Castro; Chavez; Coleman; Cook, R.; Davis, J.; Davis, Y.; Denny; Deshotel; Driver; Dukes; Dunnam; Edwards; Eiland; Elkins; Farabee; Flores; Frost; Gallego; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Grusendorf; Guillen; Haggerty; Hamric; Hardcastle; Hartnett; Hegar; Hochberg; Homer; Hopson; Hunter; Hupp; Keel; Keffer, J.; King, T.; Krusee; Kuempel; Laney; Madden; Martinez Fischer; McCall; McClendon; Menendez; Merritt; Morrison; Naishtat; Olivo; Orr; Otto; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Solomons; Strama; Straus; Swinford; Thompson; Truitt; Turner; Uresti; Veasey; Villarreal; Vo; Wong; Woolley.

Nays — Anderson; Berman; Bohac; Bonnen; Brown, B.; Callegari; Chisum; Cook, B.; Corte; Crabb; Dawson; Delisi; Eissler; Escobar; Farrar; Flynn; Gattis; Griggs; Harper-Brown; Herrero; Hilderbran; Hill; Hope; Howard; Hughes; Isett; Jackson; Jones, D.; Jones, J.; Keffer, B.; King, P.; Laubenberg; Leibowitz; Martinez; McReynolds; Miller; Mowery; Paxton; Peña; Phillips; Riddle; Smith, T.; Smith, W.; Solis; Talton; Taylor; Van Arsdale; West; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hamilton; Hodge; Luna; Noriega, M.; Pickett; Smithee.

Absent, Excused, Committee Meeting — Kolkhorst; Pitts.

Absent — Bailey; Brown, F.; Crossover; Dutton; Moreno, P.; Nixon; Oliveira; Reyna; Seaman.

STATEMENTS OF VOTE

When Record No. 737 was taken, I was in the house but away from my desk. I would have voted yes.

Crossover

I was shown voting no on Record No. 737. I intended to vote yes.

Herrero

I was shown voting yes on Record No. 737. I intended to vote no.

Hopson

SB 825 ON SECOND READING
(Solomons - House Sponsor)

SB 825, A bill to be entitled An Act relating to the TexasOnline Authority's use of TexasOnline revenue.

Amendment No. 1

Representative Solomons offered the following amendment to **SB 825**:

Amend **SB 825** by adding the following appropriately numbered section:

SECTION V. Subchapter I, Chapter 2054, Government Code, is amended by adding Section 2054.272 to read as follows:

Sec. 2054.272. USE OF REVENUE FOR PORTALS. The authority may not use any more of the States share of revenue generated by TexasOnline than is necessary to cover the cost of operations related to the development of internet portals that provide access to information regarding:

- (1) education;
- (2) business; and
- (3) state employees.

Amendment No. 1 was withdrawn.

Amendment No. 2

Representative Solomons offered the following amendment to **SB 825**:

Amend **SB 825** by striking Section 1 and adding the following appropriately numbered section:

SECTION V. Subchapter I, Chapter 2054, Government Code, is amended by adding Section 2054.272 to read as follows:

Sec. 2054.272. USE OF REVENUE FOR PORTALS. The authority may not use any more of the States share of revenue generated by TexasOnline than is necessary to cover the cost of operations related to the development of internet portals that provide access to information regarding:

- (1) education;
- (2) business; and
- (3) state employees.

Amendment No. 3

Representative F. Brown offered the following amendment to Amendment No. 2:

Amend the Solomons amendment to **SB 825** as follows:

(1) In Section 1 of the bill, in added Section 2054.272, Government Code, between "PORTALS." and "The", insert "(a)".

(3) In Section 1 of the bill, after added Section 2054.272, Government Code, insert a new Subsection (b) as follows:

(b) Subtitle D, Title 10, applies to any purchase made to develop an Internet portal described by Subsection (a).

Amendment No. 3 was adopted.

Amendment No. 2, as amended, was adopted.

SB 825, as amended, was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important appropriations business:

Gattis on motion of Homer.

CSSB 716 ON SECOND READING (Talton - House Sponsor)

CSSB 716, A bill to be entitled An Act relating to payroll deductions for certain employees who are peace officers.

CSSB 716 was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Harper-Brown and Phillips recorded voting no.)

SB 990 ON SECOND READING (Eiland - House Sponsor)

SB 990, A bill to be entitled An Act relating to a training and examination program on sexual abuse and child molestation for certain persons who work at youth camps.

SB 990 was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

SB 1192 ON SECOND READING (Hilderbran - House Sponsor)

SB 1192, A bill to be entitled An Act relating to stamps for migratory and upland game bird hunting; providing a penalty.

Amendment No. 1

Representatives Homer and R. Cook offered the following amendment to **SB 1192**:

Amend **SB 1192** (House Committee Printing) in SECTION 1 of the bill, in added Subdivision (2), Section 43.651, Parks and Wildlife Code, between "64.001" and the underlined period (page 1, line 13), by inserting ", other than a bird that is also listed in Section 64.021, and includes any other species of upland game bird that the commission by rule designates as an upland game bird".

Amendment No. 1 was adopted.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Driver requested permission for the Committee on Law Enforcement to meet while the house is in session at 2:15 p.m. today, in 3W.9, for a formal meeting, to consider **SB 903** and **SB 1263**.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Law Enforcement, 2:15 p.m. today, 3W.9, for a formal meeting, to consider **SB 903** and **SB 1263**.

SB 1192 - (consideration continued)

SB 1192, as amended, was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: R. Cook, Dawson, Delisi, Flynn, Hamric, Herrero, Hopson, Menendez, and Talton recorded voting no.)

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 3).

SB 1246 ON SECOND READING**(Woolley, Flores, et al. - House Sponsors)**

SB 1246, A bill to be entitled An Act relating to local option elections in certain populous areas on the sale of mixed beverages by food and beverage establishments.

Representative Woolley moved to postpone consideration of **SB 1246** until 2 p.m. May 22.

The motion prevailed.

SB 1663 ON SECOND READING**(Veasey - House Sponsor)**

SB 1663, A bill to be entitled An Act relating to emergency communication district participation in state travel services contracts.

SB 1663 was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

POSTPONED BUSINESS

The following bills were laid before the house as postponed business:

CSSB 45 ON SECOND READING
(Delisi - House Sponsor)

CSSB 45, A bill to be entitled An Act relating to the establishment of an advisory committee on health care information technology.

CSSB 45 was read second time earlier today and was postponed until this time.

Amendment No. 1

Representative Martinez Fischer offered the following amendment to **CSSB 45**:

Amend **CSSB 45** in SECTION 1 of the bill, in added Subsection (b) of Section 104.0156, Health and Safety Code (House committee printing, page 1, line 21), immediately following "health care.", by inserting "In developing the long-range plan, the advisory committee shall study the effect of health care information technology on price disparities in insurance coverage for residents of this state."

Amendment No. 1 was adopted.

CSSB 45, as amended, was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 55 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED

Representative Hill called up with senate amendments for consideration at this time,

HB 55, A bill to be entitled An Act relating to the designation of the portion of Interstate Highway 20 inside Kaufman, Dallas, and Tarrant Counties as the Ronald Reagan Memorial Highway.

Representative Hill moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 55**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 55**: Grusendorf, chair; B. Brown; Hughes; R. Allen; and P. King.

HB 1528 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

Representative Woolley called up with senate amendments for consideration at this time,

HB 1528, A bill to be entitled An Act relating to the expiration of the other events trust fund established to support local efforts to recruit or retain certain sports events.

Representative Woolley moved to concur in the senate amendments to **HB 1528**.

The motion to concur in senate amendments prevailed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

Senate Committee Substitute

HB 1528, A bill to be entitled An Act relating to the other events trust fund established to support local efforts to recruit or retain certain sports events.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subsection (a)(2), Section 5A, Chapter 1507, Acts of the 76th Legislature, Regular Session, 1999 (Article 5190.14, Vernon's Texas Civil Statutes), is amended to read as follows:

(2) "Endorsing Municipality" means a municipality [~~that has a population of one million or more and~~] that contains a site selected by a site selection organization for one or more games.

SECTION 2. Section 5A(q), Chapter 1507, Acts of the 76th Legislature, Regular Session, 1999 (Article 5190.14, Vernon's Texas Civil Statutes), is repealed.

SECTION 3. This Act takes effect September 1, 2005.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **HB 1528** (Senate committee printing) on third reading as follows:

(1) Strike the relating to clause and substitute the following:

relating to the expiration of the other events trust fund established to support local efforts to recruit or retain certain sports events.

(2) Strike all below the enacting clause and substitute the following:

SECTION 1. Section 5A(q), Chapter 1507, Acts of the 76th Legislature, Regular Session, 1999 (Article 5190.14, Vernon's Texas Civil Statutes), is repealed.

SECTION 2. This Act takes effect September 1, 2005.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Calendars, 4 p.m. today, 3W.9, for a formal meeting, to set the calendar.

Environmental Regulation, upon final adjournment today, Desk 69, for a formal meeting, to consider pending business.

Natural Resources, upon final adjournment today, Desk 112, for a formal meeting, to consider pending business.

Insurance, upon final adjournment today, Desk 138, for a formal meeting, to consider committee minutes.

Culture, Recreation, and Tourism, upon final adjournment today, Desk 66, for a formal meeting, to consider committee business.

Human Services, upon final adjournment today, Desk 31, for a formal meeting, to consider committee business.

Government Reform, upon final adjournment today, Desk 114, for a formal meeting, to consider **SB 1139**.

Pensions and Investments, upon final adjournment today, Desk 41, for a formal meeting, to consider pending business.

Criminal Jurisprudence, upon final adjournment today, Desk 59, for a formal meeting, to consider pending business.

PRINTING RULE SUSPENDED

Representative Hegar moved to suspend House Rule 2, Section 1(a)(9) so that the house bills on today's local, consent, and resolutions calendar may be sent to the senate in the form of engrossed riders in lieu of full engrossments of the bills.

The motion prevailed.

PROVIDING FOR ADJOURNMENT

Representative Uresti moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 2 p.m. Sunday, May 22.

The motion prevailed.

BILLS AND JOINT RESOLUTIONS ON FIRST READING AND REFERRAL TO COMMITTEES

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

ADJOURNMENT

In accordance with a previous motion, the house, at 2:37 p.m., adjourned until 2 p.m. Sunday, May 22.

ADDENDUM

REFERRED TO COMMITTEES

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

List No. 1

SB 542 to Business and Industry.

SB 1778 to Higher Education.

SIGNED BY THE SPEAKER

The following bills and resolutions were today signed in the presence of the house by the speaker:

Senate List No. 25

SB 56, SB 121, SB 149, SB 164, SB 363, SB 415, SB 509, SB 517, SB 637, SB 651, SB 910, SB 1186, SB 1311, SB 1331, SB 1447, SB 1791

MESSAGES FROM THE SENATE

The following messages from the senate were today received by the house:

Message No. 2

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Friday, May 20, 2005 - 2

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HB 26 Delisi SPONSOR: Zaffirini
Relating to an electronic database of major state contracts and related documents.

HB 57 Denny SPONSOR: Jackson,
Mike
Relating to the dates on which elections may be held and certain procedures involving the uniform election held in May.

(AMENDED)

HB 167 Smith, Wayne SPONSOR: Jackson,
Mike

Relating to the creation and authority of municipal development districts.

(COMMITTEE SUBSTITUTE)

HB 380 West, George "Buddy" SPONSOR: Armbrister
Relating to oil and gas well plugging insurance policies.

HB 479 Keel SPONSOR: Barrientos
Relating to the concurrent jurisdiction of campus peace officers commissioned by The University of Texas at Austin and law enforcement agencies of the state and political subdivisions of the state.

HB 492 Woolley SPONSOR: Shapleigh
Relating to personal finance education as a requirement for graduation from public high school.

HB 550 Phillips SPONSOR: Seliger
Relating to the preparation of and procedures related to a presentence report in a felony case.

HB 877 Talton SPONSOR: Madla
Relating to certain complaints and information with respect to certain child-care facilities and family homes and to procedures for certain disciplinary actions against certain child-care facilities; providing a criminal penalty.

HB 905 Delisi SPONSOR: Williams
Relating to the powers and duties of the state auditor in connection with state contracts.
(AMENDED)

HB 1095 Menendez SPONSOR: Deuell
Relating to the offense of harassment by persons in certain correctional facilities and to creating the offense of harassment of public servant.
(COMMITTEE SUBSTITUTE)

HB 2438 Haggerty SPONSOR: Armbrister
Relating to the acquisition and regulation of manufactured homes.
(COMMITTEE SUBSTITUTE/AMENDED)

HCR 174 Paxton SPONSOR: Shapiro
Honoring Olympic gold medalist Carly Patterson.

HCR 175 Homer SPONSOR: Eltife
In memory of Dave L. Rodgers of Paris.

HCR 176 Homer SPONSOR: Eltife
In memory of Dr. Raymond Armstrong of Paris.

HCR 177 Homer SPONSOR: Eltife
In memory of Dr. John Larry Walker of Paris.

HCR 178 Homer SPONSOR: Eltife
In memory of Mary Lou Williams of Paris.

HCR 179 Homer SPONSOR: Eltife
In memory of Patsy Brulte Kemp of Paris.

HCR 180 Homer SPONSOR: Eltife
In memory of Frances Ellis of Paris.

HCR 181 Homer
In memory of Juanita Stamper of Paris.

HCR 182 Homer SPONSOR: Eltife
In memory of Wynona Harper Harrison of Paris.

HCR 183 Homer SPONSOR: Eltife
In memory of William Merritt Noel of Paris.

HCR 184 Homer SPONSOR: Eltife
In memory of Richard J. Rast of Howland.

HCR 197 Homer
Congratulating Bobby Dejoux of Direct on winning first place at the 2003 SkillsUSA state competition.

HCR 198 Homer
Congratulating Cory Morris of Powderly on winning first place at the 2005 SkillsUSA state competition.

HCR 199 Homer
Congratulating Jonathan Daniels of Paris on his success at the 2004 National SkillsUSA competition.

HCR 200 Homer
Honoring Bo Bolton on his retirement from North Lamar High School in Paris.

HCR 206 Thompson SPONSOR: Ellis
Congratulating the Houston Lawyers Association on their 50th Anniversary.

HJR 87 Farabee SPONSOR: Lindsay
Proposing a constitutional amendment relating to the membership of the State Commission on Judicial Conduct.
(COMMITTEE SUBSTITUTE)

SCR 40 Madla
Commending the citizens of Terrell County for their many contributions to Texas and the nation and extending best wishes for a joyous Centennial Celebration.

THE SENATE HAS CONCURRED IN HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:

SB 310 (31 Yeas, 0 Nays)

SB 396 (31 Yeas, 0 Nays)

THE SENATE HAS GRANTED THE REQUEST OF THE HOUSE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

HB 747
Senate Conferees: Staples - Chair/Brimer/Lindsay/Shapleigh/Wentworth

HB 1077
Senate Conferees: Wentworth - Chair/Averitt/Duncan/Harris/Ogden

HB 1820
Senate Conferees: Eltife - Chair/Ellis/Jackson, Mike/Nelson/Whitmire

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 3

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Friday, May 20, 2005 - 3

The Honorable Speaker of the House

House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HB 93 Riddle SPONSOR: Janek
Relating to showing the manner of death on the death certificate of an inmate of the Texas Department of Criminal Justice who is lawfully executed.
(AMENDED)

HB 182 Mowery SPONSOR: Janek
Relating to the appeal of certain ad valorem tax determinations through binding arbitration.
(COMMITTEE SUBSTITUTE)

HB 705 Castro SPONSOR: Zaffirini
Relating to the disposition of seized weapons.

HB 1036 Rose SPONSOR: Barrientos
Relating to conflicts of interest of policy board members of metropolitan planning organizations; providing a criminal penalty.

HB 1048 Chisum SPONSOR: Seliger
Relating to the forfeiture of contraband used or intended to be used in the commission of certain criminal offenses.
(AMENDED)

HB 1165 Harper-Brown SPONSOR: Deuell
Relating to the employment of county traffic officers by certain counties.

HB 1170 Miller SPONSOR: Shapleigh
Relating to readmission to a public institution of higher education of students who withdraw to perform active military service.
(COMMITTEE SUBSTITUTE/AMENDED)

HB 1331 Chavez SPONSOR: Zaffirini
Relating to the authority of a junior college district to contract for the provision of certain services and resources under the Interagency Cooperation Act.

HB 3265 Straus SPONSOR: Wentworth
Relating to the declaration of a mistrial in the punishment phase of a criminal proceeding.

Respectfully,
Patsy Spaw
Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

May 19

Border and International Affairs - **SB 183, SB 185, SB 425, SB 684, SB 827, SB 964, SB 1202, SB 1737, SCR 30, SJR 27**

Business and Industry - **HR 1300, SB 100, SB 629, SB 742, SB 1631**

County Affairs - **SB 342, SJR 14, SJR 44**

Criminal Jurisprudence - **SB 1275**

Defense Affairs and State-Federal Relations - **SB 9**

Environmental Regulation - **SB 1667, SB 1858**

Financial Institutions - **SB 1173, SB 1479, SB 1538**

Government Reform - **SB 411**

Higher Education - **SB 81, SB 151, SB 296, SB 511, SB 532, SB 702, SB 1226, SB 1528**

Insurance - **SB 782, SB 1558, SB 1564**

Judiciary - **SB 165**

Licensing and Administrative Procedures - **SB 707, SB 1255**

Local Government Ways and Means - **SB 1351, SB 1652**

Natural Resources - **SB 343, SB 1116, SB 1604, SB 1674, SB 1800, SB 1801, SB 1802, SB 1803, SB 1804, SB 1807, SB 1808, SB 1810, SB 1823, SB 1828, SB 1855, SB 1864, SB 1865, SB 1871, SB 1873, SB 1879, SB 1881, SB 1882, SB 1884, SB 1887, SB 1891, SB 1892**

Pensions and Investments - **SB 1691**

Public Education - **SB 422**

Public Health - **SB 44, SB 47, SB 410, SB 423, SB 568, SB 609, SB 872, SB 873, SB 1188, SB 1239, SB 1340, SB 1525**

Regulated Industries - **HR 1750, SB 408, SB 711, SB 1748**

State Affairs - **HCR 208, HR 1593, SB 12, SB 1458, SB 1762**

Transportation - **SB 89, SB 229, SB 322, SB 1089, SB 1206, SB 1251, SB 1579, SB 1874**

Urban Affairs - **HCR 7, SB 356, SB 706, SB 787, SB 1022, SB 1341, SB 1353, SB 1805, SB 1820, SB 1821, SB 1836, SB 1841, SB 1866, SB 1867**

Ways and Means - **SB 18, SB 338, SB 567**

ENROLLED

May 19 - HB 758, HB 1058, HB 1163, HB 1350, HB 1573, HB 2511, HB 2645, HB 2659

SENT TO THE GOVERNOR

**May 19 - HB 282, HB 720, HB 775, HB 943, HB 951, HB 2313,
HB 2565, HB 3227**